



Office of the City Clerk-Treasurer
301 W. Chestnut
Rogers, Arkansas 72756
479-621-1117
www.rogersar.gov

COMMITTEE SCHEDULE

TO: MAYOR
CITY COUNCIL
DEPARTMENT HEADS
PRESS

FROM: Jessica Rush, CITY CLERK-TREASURER

DATE: January 26, 2021

The following committee meetings will be held on **Tuesday, January 26, 2021** prior to the City Council Meeting:

05:15 p.m. - RESOURCES & POLICY COMMITTEE: (Hayes*, Reithemeyer, Brashear)

<https://us02web.zoom.us/j/86834349044> OR (312) 626-6799 ID: 868 3434 9044

To Discuss: (a) A Resolution Authorizing The Destruction Of Certain Records Of The City Of Rogers' Legal Department

05:30 p.m. - TRANSPORTATION COMMITTEE: (Kruger*, Legere, Townzen)

<https://us02web.zoom.us/j/82549686332> OR (312) 626-6799 ID: 825 4968 6332

To Discuss: (a) A Resolution Authorizing The Mayor And City Clerk To Accept And Enter Into A Grant Agreement With The Federal Aviation Administration Under The Coronavirus Response And Relief Supplemental Appropriation Act (CRRSAA) For The Rogers Executive Airport

05:30 p.m. - INTERNAL AFFAIRS COMMITTEE: (Kendall*, Wolf, Reithemeyer)

<https://us02web.zoom.us/j/86834349044> OR (312) 626-6799 ID: 868 3434 9044

To Discuss: (a) A Resolution Adopting A Revised Personnel Policy Manual For The City Of Rogers, Arkansas

05:45 p.m. - PUBLIC WORKS COMMITTEE: (Townzen*, Brashear, Kendall)

<https://us02web.zoom.us/j/82549686332> OR (312) 626-6799 ID: 825 4968 6332

To Discuss: (a) RWU Monthly Report

05:45 p.m. - PUBLIC SAFETY COMMITTEE: (Wolf*, Kruger, Legere)

<https://us02web.zoom.us/j/86834349044> OR (312) 626-6799 ID: 868 3434 9044

- To Discuss:
- (a) An Ordinance Waiving Competitive Bidding For The Purchase Of Sixteen New Police Patrol Vehicles From Superior Chevrolet Of Siloam Springs, Arkansas, For The Rogers Police Department

 - (b) An Resolution Authorizing The Mayor And City Clerk To Enter Into A Grant Agreement With The Home Depot To Receive Up To \$1,000.00; Amending The City Of Rogers' 2021 Budget To Recognize Grant Funds In The Amount Of \$1,000.00 Into Account #100-04-45600 Grants And Donations

 - (c) An Ordinance Waiving Competitive Bidding For The Purchase Of A New Chevy Tahoe From Superior Chevrolet Of Siloam Springs, Arkansas, For Use By The Rogers Fire Department
-

06:00 p.m. - FINANCE COMMITTEE: (Reithemeyer*, Wolf, Kendall)

<https://us02web.zoom.us/j/86834349044> **OR (312) 626-6799 ID: 868 3434 9044**

- To Discuss:
- (a) A Resolution Amending The City Of Rogers' 2020 Budget To Appropriate General Fund Reserves In The Amount Of \$596,581.00 To Various Accounts; And CMRS Fund Reserves In The Amount Of \$336.00 To Account 352-52-70267 Investment Management Fees
 - (b) A Resolution Amending The City Of Rogers' 2020 Budget To Recognize Insurance Proceeds In The Amount Of \$494,168.00 To Account #100-01-49195 Insurance Reimbursement; Appropriating That Same Amount To Account #100-01-70983 Storm Damage Hail

06:00 p.m. - COMMUNITY ENVIRONMENT & WELFARE COMMITTEE: (Legere*, Townzen, Hayes)

<https://us02web.zoom.us/j/82549686332> **OR (312) 626-6799 ID: 825 4968 6332**

- To Discuss:
- (a) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From C-3 To C-3, Accepting The Density Concept Plan (Pinnacle Hills) [Staff Report](#)



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ROGERS CITY COUNCIL
AGENDA
JANUARY 26, 2021
6:30 PM

<https://us02web.zoom.us/j/83687509502> OR (312)626-6799 ID: 836 8750 9502

PUBLIC FORUM:

INVOCATION:

ROLL CALL:

- 1. January 12, 2021

ACTION ON MINUTES:

REPORTS OF BOARDS AND STANDING COMMITTEES:

- | | | |
|----|--|------------------------------|
| 1. | RES. Re: Authorizing The Destruction Of Certain Records Of The City Of Rogers’ Legal Department | RESOURCES & POLICY COMMITTEE |
| 2. | RES. Re: Authorizing The Mayor And City Clerk To Accept And Enter Into A Grant Agreement With The Federal Aviation Administration Under The Coronavirus Response And Relief Supplemental Appropriation Act (CRRSAA) For The Rogers Executive Airport | TRANSPORTATION COMMITTEE |
| 3. | RES. Re: Adopting A Revised Personnel Policy Manual For The City Of Rogers, Arkansas | INTERNAL AFFAIRS COMMITTEE |
| 4. | ORD. Re: Waiving Competitive Bidding For The Purchase Of Sixteen New Police Patrol Vehicles From Superior Chevrolet Of Siloam Springs, Arkansas, For The Rogers Police Department | PUBLIC SAFETY COMMITTEE |

- | | | | |
|----|----------|---|--|
| 5. | RES. Re: | Authorizing The Mayor And City Clerk To Enter Into A Grant Agreement With The Home Depot To Receive Up To \$1,000.00; Amending The City Of Rogers' 2021 Budget To Recognize Grant Funds In The Amount Of \$1,000.00 Into Account #100-04-45600 Grants And Donations | PUBLIC SAFETY
COMMITTEE |
| 6. | ORD. Re: | Waiving Competitive Bidding For The Purchase Of A New Chevy Tahoe From Superior Chevrolet Of Siloam Springs, Arkansas, For Use By The Rogers Fire Department | PUBLIC SAFETY
COMMITTEE |
| 7. | RES. Re: | Amending The City Of Rogers' 2020 Budget To Appropriate General Fund Reserves In The Amount Of \$596,581.00 To Various Accounts; And CMRS Fund Reserves In The Amount Of \$336.00 To Account 352-52-70267 Investment Management Fees | FINANCE
COMMITTEE |
| 8. | RES. Re: | Amending The City Of Rogers' 2020 Budget To Recognize Insurance Proceeds In The Amount Of \$494,168.00 To Account #100-01-49195 Insurance Reimbursement; Appropriating That Same Amount To Account #100-01-70983 Storm Damage Hail | FINANCE
COMMITTEE |
| 9. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From C-3 To C-3, Accepting The Density Concept Plan (Pinnacle Hills) | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |

OLD BUSINESS:

NEW BUSINESS:

APPOINTMENTS:

1. Reappointment of Stephen Hardin to the Rogers Library Board of Trustees; term to expire December 31, 2025

ANNOUNCEMENTS:

RESOLUTION R21- _____

A RESOLUTION AUTHORIZING THE DESTRUCTION OF CERTAIN RECORDS OF THE CITY OF ROGERS' LEGAL DEPARTMENT; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers Legal Department desires to destroy certain archived court records to create space for current court records; and

WHEREAS, the list of records to be destroyed is set out in the attached Affidavit of Destruction.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:

Section 1: The City of Rogers' Staff Attorney may destroy the following records of the City of Rogers' Legal Department, pursuant to Ark. Code Ann. §16-10-211:

- (a) Audited records four years or older: bank reconciliations, check book registers and check listings, cancelled checks, bank statements, deposit collection records, receipt and disbursement journals, time payment records, citation books from the police department, served arrest warrants, copies of citations, alternate service or community service time sheets, uniform filing fees collection remittance forms and fine reports, miscellaneous fee and fine collection reports, and served or unexecuted search warrants.
- (b) Audited records seven years or older: completed case files and written exhibits, show cause orders, case information including arrest reports and affidavits, files concerning cases resulting in a suspended imposition of sentence.

Section 2: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed.

Section 3: Repeal of Conflicting Resolutions: All ordinances, resolutions, or orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2021.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: Bonnie Bridges, Rogers Legal Department

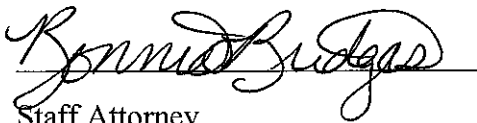
Prepared by: Bonnie Bridges, Staff Attorney

For Consideration By: Resources & Policy Committee

AFFIDAVIT OF DESTRUCTION OF LEGAL DEPARTMENT RECORDS

I, Bonnie Bridges, do hereby certify that the following records of the Rogers Legal Department, have been retained for at least seven (7) years as specified under Ark. Code Ann. § 16-10-211 and have been audited as required by law. The records listed below, covering the time period stated, are to be destroyed in February 2021 by burning/shredding said records.

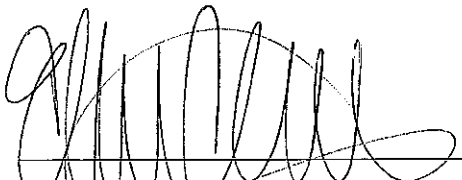
TYPE OF RECORDS	TIME PERIOD
Staff attorney/city attorney closed case files	2013
Receipts/Receipt listings	2013

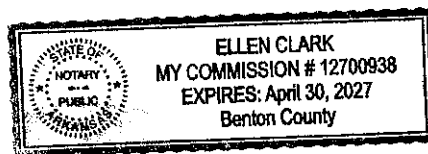


Staff Attorney

Bonnie Bridges

Subscribed and Sworn to me this 13th day of January, 2021.


Notary Public



RESOLUTION NO. R21-_____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ACCEPT AND ENTER INTO A GRANT AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION UNDER THE CORONAVIRUS RESPONSE AND RELIEF SUPPLEMENTAL APPROPRIATION ACT (CRRSAA) FOR THE ROGERS EXECUTIVE AIRPORT; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers' Executive Airport anticipates receipt of a grant from the Federal Aviation Administration under the Coronavirus Response and Relief Supplemental Appropriation Act (CRRSAA);

WHEREAS, the exact amount of said grant will be based on available funding as determined by FAA with no local matching funds required; and

WHEREAS, the grant funds will help offset financial impacts resulting from the COVID-19 pandemic and may be used for any purpose for which airport funds may be lawfully used, pursuant to the Federal Aviation Administration (FAA) Office of Airports Revenue Use Policy.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:

Section 1: The Mayor and City Clerk are authorized to accept and enter into a grant agreement with the Federal Aviation Administration (FAA), with tentative identification number 3-05-0055-040-2021.

Section 2: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed.

Section 3: Repeal of Conflicting Resolutions: All resolutions or orders of the City Council or parts of resolutions or orders of the City Council that are in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2021.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: David Krutsch, Airport Manager
Prepared by: John M. Pesek, Staff Attorney
For Consideration By: Transportation Committee

RESOLUTION NO. R21-_____

A RESOLUTION ADOPTING A REVISED PERSONNEL POLICY MANUAL FOR THE CITY OF ROGERS, ARKANSAS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers desires to adopt a revised Personnel Policy Manual in order to provide an up-to-date set of guidelines and policies intended to enhance understanding and cooperation among the employees of the City and to set forth rules and procedures to enhance the services of the City to its citizens; and

WHEREAS, it is in the best interest of the City and its employees to adopt revised written policies to establish a safe, efficient, and cooperative working environment, to establish the responsibilities and level of performance expected of all City employees, and to explain the benefits provided for by the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:

Section 1: The Employee Policy Manual, effective February 7, 2021, for the City of Rogers, Arkansas, is hereby adopted. A synopsis of the changes being made to the Employee Policy Manual are attached as Exhibit “A”.

Section 2: That once adopted, the changes as reflected in Exhibit “A” will be edited into a final format, with no substantive changes, and incorporated into the Employee Policy Manual before being disseminated.

Section 3: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed.

Section 4: Repeal of Conflicting Resolutions: All ordinances, resolutions, or orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2021.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: Thomas Dunlap, Director of Human Resources
Prepared by: Bonnie Bridges, Staff Attorney
Reviewed by: Bonnie Bridges, Staff Attorney
For Consideration By: Internal Affairs Committee



CITY OF ROGERS
City Administration Building
301 W. Chestnut St
Rogers, Arkansas 72756
(479) 621-1117

EMPLOYEE POLICY MANUAL

Effective February 7th, 2021

Adopted by City Council

Resolution No. R-XX-XX

(F) Inclement Weather or other Community-Wide Emergencies

It is the Mayor's sole authority to close City offices due to extreme weather conditions or other emergency conditions impacting the local community. Essential employees are expected to report or remain on duty in the event of closure. The designation of "essential" is made by the Department Director or Chief, and generally includes Police, Fire, Dispatch, and Street employees.

Non-essential employees effected by a closure will receive regular pay for the duration of the closure, not to exceed five (5) business days. Employees previously scheduled to be on accrued PTO, vacation, sick, or comp-time may not substitute inclement weather pay/leave provided during emergencies.

When City offices are open, employees unable to report to work due to weather ~~conditions~~ or local emergencies may use accrued PTO, vacation or comp-time.

(G) On Call Pay

Employees will be able to report regular hours worked while on call, when the on call period 1) requires the employee to remain on or near City offices; or 2) prohibits the employee from engaging in personal activities, excluding alcohol consumption; or 3) the employee is frequently interrupted and personal activities are overly restricted.

(H) Salary Basis Policy:

The Fair Labor Standards Act (FLSA) provides an exemption from overtime pay for certain executive, administrative, and professional employees meeting a salary test established by the U.S. Department of Labor. Exempt employees will receive a predetermined amount of compensation for each pay period regardless of the amount of days or hours worked. To qualify for exemption, employees must meet certain tests regarding job duties and annual salary, and have approval of the Mayor. Job titles alone do not determine exempt status.

The City may make partial or full day deductions from pay when an exempt employee:

- Is absent from work for one or more full days for personal reasons other than sickness or disability;
- For absences of one or more full days due to sickness or disability if deductions are made in accordance with our bona fide paid leave policies;
- For unpaid suspensions as a result of a disciplinary action, or violation of our safety practices;
- For partial work weeks at the beginning and end of employment;
- For unpaid leave under the Family and Medical Leave Act or other extended illness when no work services are being performed for the City.

14. HOLIDAYS

(A) Holiday Allowance

All fulltime permanent positions will receive the following twelve (12) paid holidays each year, without a waiting period.

New Year's Day	January 1
Martin Luther King Day	3 rd Monday in January
Presidents Day	3 rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4 th
Labor Day	1 st Monday in September
Veterans Day	November 11 th
Thanksgiving Day	4 th Thursday in November
Day after Thanksgiving	Friday following Thanksgiving
Christmas Eve Day	December 24 th
Christmas Day	December 25 th
Employee's Birthday	Floating day to be used within the calendar year.

(B) Miscellaneous

- (1) When a holiday falls on a Saturday, it will be observed on the proceeding Friday. When a holiday falls on a Sunday, it will be observed on the following Monday.
- (2) In the event that an employee is required to work on a paid holiday, the employee may be granted a day off within the same pay period at a date that is agreeable to both the employee and the employee's supervisor.
- (3) An employee scheduled to work the day before or after a holiday must substitute 1) vacation, 2) preapproved PTO, or 3) ~~or~~ comp time, if absent. The employee may instead use accrued sick time while on FMLA or by submitting proof of treatment provided by a Physician or Hospital. When PTO has not been previously approved, a doctor's note is required.

16. VACATION LEAVE

VACATION FOR CIVILIAN EMPLOYEES

All employees hired prior to 02/07/2021 who work a minimum of 40 hours per week and are hired for the entire year are eligible for a paid vacation accrued each pay period per the following schedule:

Length of employment	Hours earned per year	Hours each pay period	Maximum accrual
Up to 5th anniversary	80	3.077	160
Five years to 10th anniversary	120	4.6154	240
After 10 years of service	160	6.1539	320

VACATION FOR FIREFIGHTERS

(A.C.A. § 14-53-107):

Shift Personnel (56-Hour Work Week)

Tier	Service Time	Accrual Rate	Maximum Accrual
FF1	Less than 5 years	7 Shifts (168 hours)	Two times the annual rate of accrual
FF2	5 years to 9 years	9 Shifts (216 hours)	
FF3	10 years to 19 years	11 Shifts (264 hours)	
FF4	20 years or more	13 Shifts (312 hours)	

Fire Staff Personnel (40-Hour Work Week)

Tier	Service time	Accrual Rate	Maximum Accrual
S1	Less than 9 years	15 days (120 hours)	Two times the annual rate of accrual
S2	10 years or more	20 days (160 hours)	

Vacation is accrued each pay period and not given in a lump sum at the beginning of the year. Utilization of vacation is governed by internal fire department procedures. Fire shift personnel must take vacation in twelve (12) hour increments.

17. SICK LEAVE

(A) Sick Leave Allowance:

- (1) *Civilian employees* who work a minimum of 30 hours per week for the entire year will earn up to twelve (12) working days of sick leave per year. Sick leave days are calculated at the rate of 3.6923 hours per pay period, to a maximum of sixty (60) working days (480 hours).
- (2) Fulltime sworn *Police officers* will earn sick leave at the rate of 20 days (160 hours) per year to a maximum of 90 days (720 hours).
- (3) Sworn members of the *Fire department* will earn sick leave based on the following work assignments:
 - Shift personnel (56 hour work week):
 - 20 shifts per year (480 hours)
 - Maximum accrual of 60 shifts (1440 hours)
 - Normal work week (40 hours):
 - 20 days per year (160 hours)
 - Maximum accrual of 180 days (1440 hours)
- (4) Sick leave for all employees may only be used for the illness or treatment of the employee, or the illness or treatment of the employee's parent, spouse, or child. Employees may use sick leave in no less than one (1) hour increments.
- (5) Employees using more than three (3) consecutive days of sick leave, must submit a statement by a physician, stating that their physical condition prevented them from appearing for work. A supervisor may ask for proof of illness or medical treatment at any point prior to three consecutive days. Refer to Section 14-B(3) regarding use of sick time the day before or day after a holiday, when scheduled.
- (6) Employees requesting sick leave should contact their supervisor as soon as possible. Abuse of sick leave benefits may be cause for disciplinary action or dismissal.
- (7) An employee may donate accumulated sick leave to their City employed spouse when the other employee experiences an FMLA qualified illness and has exhausted their available sick leave balance. The donated hours will be paid according to the pay rate of the receiving employee on FMLA.
- (8) Sick leave balances not already paid out will be restored when employment separations occur for less than ninety (90) calendar days.

(B) Reimbursement for civilian employees:

- (1) Effective for all employees hired BEFORE January 1st, 2015, upon retirement with 20 years of accumulated city service, permanent job related disability, or death, employees will be reimbursed sick days accumulated up to a maximum of sixty (60) working days (480 hours).
- (2) For all employees hired ON or AFTER January 1st, 2015, upon retirement with 20 years of accumulated city service, permanent job related disability, or death, employees will be reimbursed at a rate of 50% of current value.
- (3) If an employee terminates employment for any other reason, all accumulated sick leave pay will be forfeited. An employee's forfeited sick leave balance will be restored if the employee returns to active fulltime work within ~~thirty-oneninety~~ (3190) calendar days.

(C) Reimbursement for Sworn Police employees (A.C.A. § 14-52-107):

- (1) Upon retirement, permanent job related disability, or death; full time sworn Police officers will be reimbursed for any unused sick leave at their standard rate of pay to a maximum of 65 days (520 hours). [Ordinance No. 17-03]

(D) Reimbursement for Sworn Fire employees (A.C.A. § 14-53-108):

- (1) Upon retirement, permanent job related disability, or death; full time sworn Fire employees will be reimbursed for any unused sick leave at their standard rate of pay to a maximum of three month's salary.

(E) Hours of paid sick leave shall not be included in the hours worked calculation for determining overtime pay.

18. PAID TIME OFF (CIVILIAN PTO LEAVE)

(A) Paid Time Off (PTO) is created for all civilian employees hired after 02/07/2021, and replaces the traditional use of vacation and sick days used for compensated leave. PTO can be used for any purpose and therefore provides for more employee flexibility, but also requires the employee to assume personal responsibility for their own paid leave management.

(B) Employees eligible for PTO will accrue based on the following schedule. A newly hired employee will receive a deposit of initial PTO equaling 24 hours in their first pay period:

<u>Service Time or Tier</u>	<u>Hours earned pay period</u>	<u>Annual PTO accrual</u>	<u>Maximum PTO accrual</u>	<u>Maximum weeks</u>	<u>Separation Payouts*</u>
<u>I-Before 5th anniversary</u>	<u>5.500</u>	<u>143</u>	<u>475</u>	<u>12</u>	<u>20%</u>
<u>II-After 5th anniversary</u>	<u>7.038</u>	<u>183</u>	<u>555</u>	<u>14</u>	<u>40%</u>
<u>III-After 10th anniversary</u>	<u>8.577</u>	<u>223</u>	<u>635</u>	<u>16</u>	<u>60%</u>
<u>IV-After 15th anniversary</u>	<u>10.115</u>	<u>263</u>	<u>715</u>	<u>18</u>	<u>80%</u>

*Payout is 100% upon unreduced APERS retirement, permanent job related disability, or death

(C) PTO may be used in increments of one (1) hour. The use of PTO will be at the discretion of the supervisor, in order to meet the business needs of the department.

(D) When the need for PTO leave is unexpected and continues beyond three business days, the employee shall confirm with their Supervisor if the leave requires FMLA certification, otherwise the employee may enter an unpaid status.

(E) PTO participants leaving employment with one year of service will be paid out based on their current tier, as shown in the schedule above. If an employee is involuntarily separated from employment due to behavior contrary to our listed Rules of Conduct, any payout of PTO leave will be reduced by an additional 75% beyond the tier schedule.

(F) Part time employees hired to work less than 40 hours per week and hired for the entire year will accrue PTO at a pro-rated amount proportional to the number of hours worked.

(G) Fulltime employees rehired after a break in City of Rogers fulltime employment, caused by reasons other than misconduct, will resume their PTO accrual rate based on their combined length of City of Rogers employment.

(H) Employees hired prior to 02/07/2021 may make an irrevocable conversion into the PTO program, by converting existing leave balances by the following rates: Vacation (100%), Sick Leave (66%). The remaining (34%) of previously earned Sick Leave will be held as a non-accruing reserve to be used only in the event of a FMLA certified leave, or to be payable upon termination under the rules stated in Section 17 (B) of the Sick Leave policy.

(I) Hours of PTO used shall not be included in any calculation for determining overtime pay.

19. EXTENDED MEDICAL LEAVE / (FMLA) FAMILY MEDICAL LEAVE ACT

- (A) The Family and Medical Leave Act of 1993 (FMLA) provides job and benefit protection for employees who have completed twelve months of total service and worked 1250 hours during the 12 months prior to the start of FMLA leave. The Act provides up to 12 weeks of protected leave for a serious health condition of the employee, spouse, child, or parent; incapacity related to pregnancy or childbirth; to care for a newborn or adopted child; or for certain events related to active duty service in the U.S. Military.
- (B) The period for FMLA eligibility is calculated as the 12-month period measured forward from the date of your first use of FMLA qualifying leave. FMLA leave may be used on an intermittent basis. When leave is taken after the birth of a healthy child or placement of a healthy child for adoption or foster care, an employee may take leave intermittently or on a reduced leave schedule only if the City agrees to the intermittent schedule.
- (C) Employees should provide 30 days advance notice of the need for FMLA, when possible. When not possible, notice should be given as soon as practicable and in coordination with the department's normal call in procedure.
- (D) The City may require that the need for leave for the employee or the employee's immediate family member be supported by a certification by a health care provider. Once certification documents are received, an employee has fifteen (15) calendar days to return the documents to Human Resources. Periodic recertification may also be required.
- (E) Prior to a return to work from FMLA, the City may require a "fitness-for-duty" certification from the employee's health care provider showing that the employee is able to resume working. This certification will only be requested with regard to the employee's health condition that caused the need for FMLA, where the health condition is related to job duties and consistent with business necessity.
- (F) FMLA leave will be concurrent to all other types of leave, including vacation, sick, comp time, PTO, and Worker's Comp. As instructed within the law, employees cannot waive their prospective rights under FMLA, or use other forms of leave to delay the use of FMLA when the leave would qualify for protection under the Act.

21. SICK LEAVE BANK

- (A) The city agrees that a Sick Leave Bank (SLB) will be established and may only be used by an employee who is eligible under the Family Medical Leave Act (FMLA).
- (B) Use of SLB days will commence after a member of the SLB has exhausted all of his/her accumulated sick leave and any unused PTO, vacation, and compensatory time. SLB days may only be used for an FMLA qualified illness, or when the need for leave continues after the exhaustion of the previously certified FMLA condition.
- (C) The SLB year shall be the same as the city's fiscal year, January through December.
- (D) Participation in the SLB is only available to employees of the city who are considered fulltime and would be also be eligible to use FMLA. Participation in the SLB is on a voluntary basis.
- (E) Membership must be renewed and does not carry forward from year to year. All employees who are eligible will be given an opportunity to join each November and must donate a minimum of one (1) day of accrued sick leave. Notification of said contribution shall be on the SLB form distributed by the Finance office. Copies of this form transferring sick leave days to the SLB will be forwarded to the Finance Office. An Employee cannot be penalized for days donated (in the current year) to the SLB in case of retirement.
- (F) SLB days may only be granted to an employee for an FMLA qualified illness, including that of the employee's spouse, parent, or child. A request for SLB days shall be on the SLB form and submitted to the Human Resources Office. The requesting employee is not required to provide the diagnosis or treatment of the illness causing the request for SLB benefits, only that the leave has already qualified for FMLA as certified with Human Resources or the Legal Department.
- (G) Requests for SLB benefits may be made when no other paid leave is available to complete the employee's typically scheduled pay period. Applicants may only request grants from the SLB for the amount of hours necessary to complete the pay period where the need for leave occurs. No applicant shall be eligible for more than 240 hours of SLB benefits per 12 month period, measured forward from the date of first use.
- (H) The use of SLB time may be provided in increments of one (1) hour.
- (I) The denial or granting of a request shall be in writing and forwarded to the applicant and a copy shall also be forwarded to the Finance Office for payroll purposes. All denials shall state the reasons for such decision in writing.

23. WORKER'S COMPENSATION

- (A) All employees are covered by Worker's Compensation Insurance. Employees seeking benefits should file immediately through their supervisor within forty-eight (48) hours of the date and time of injury.
- (B) The City of Rogers will select the initial primary care physician for an employee's injury. The employee may then request a one (1) time only change of physician by notifying the employer or Worker's Compensation carrier. Treatment or services furnished or prescribed by any physician outside of this process, except emergency treatment, shall be at the employee's expense.

24. BEREAVEMENT LEAVE

- (A) Bereavement Leave may be granted to full-time city employees to be used only in the death of a member of the employee's or the employee's spouse's family. Proof of the need for leave may be required.
 - (1) Up to three (3) working days (Fire: not to exceed 48 hours) of paid leave are authorized for a death in the employee's immediate family. Immediate family shall include the employee's spouse, parents, children, grandchildren, brothers or sisters, and grandparents. Also included are the employee's parents-in-law, step-children, step-grandchildren and brothers/sisters-in-law.
 - (2) One (1) working day (Fire: not to exceed 24 hours) of paid leave is authorized for a death in the employee's extended family. Extended family shall include the aunts, uncles, nephews, nieces, and cousins of the employee and/or spouse.
- (B) Bereavement leave must be used within (14) calendar days of the death. The employee may use additional PTO or sick leave when the death includes an immediate family member as described in section (1). Employees seeking additional PTO or sick leave beyond the use of bereavement should appeal to the Department Director or Chief of their department.
- (C) The Mayor retains the authority to modify the application of this policy.
- (D) Hours of paid emergency leave shall not be included in the hours worked calculation for determining overtime pay.

This section was adopted previously by Resolutions R-17-58 and R-18-68 and is current practice. It is being combined into this document for convenience.

35. COMPENSATION POLICY

PURPOSE

It is the purpose and intent of this policy to establish uniform compensation procedures for all City of Rogers employees, in order to support the following objectives:

- Compensation practices that are fair and internally equitable throughout the organization;
- Pay ranges that are competitive with the outside market, and flexible to local compensation trends;
- Compliance with all federal and state laws and/or regulations related to remuneration of employees;
- Consistent practices that aid in the efficient and economical management of city government.

Any section in the compensation policy that is covered under the City’s Employee Policy manual or state and local Civil Service Rules and Regulations will not apply. Because of the evolving nature of employment regulations, and our business practices, these policies are subject to change periodically by action of the Rogers City Council. The Compensation Administration Policy does not create any contractual or other legal rights, or alter the City’s at-will employment policy for non-elected employees.

As stated in the City’s Employment policy, the Mayor retains final authority over the application and interpretation of policies regarding non-elected civilian employment actions, rates of accrued leave, and employee compensation.

DEFINITIONS

Classifications: The grouping of positions within the City based on the similar compensable factors of job duties, qualifications, and accountabilities.

Demotion: When an employee moves from a higher to lower position, where the maximum of the new range is less than the maximum of the current range as a result of decreased responsibility.

Equity: Situation that exists when employees are paid fairly according to local market data (external) and in comparison to similarly situated individuals within the organization (internal). Salary adjustments are sometimes required in order to preserve internal equity.

Lateral transfer: When an employee moves from one position to another within the same grade, and no pay adjustment occurs.

Merit Pay: Additional compensation provided to high performing employees, based on evaluation.

Range minimum: The 80th percentile of market salary, also the lowest rate of pay for a position/grade that the organization will provide.

Range midpoint: The 100th percentile of market salary; considered as an incumbent with approximately 10 years of experience.

Range maximum: The 125th percentile of market salary, also the highest rate of pay for a position/ grade that the organization will provide before red-lining occurs.

Pay grade: The rank of a position within an organization, whereby a pay range is established.

Promotion: When an employee moves from a lower to higher position, and the new range has a higher maximum rate of pay as a result of increased responsibility.

Reclassification: Where the compensable factors of job duties, qualifications, and accountabilities are changed to a degree significant enough that compensation must be modified.

Red-lining: Occurs when an employee's rate of pay exceeds the maximum of the range. No increase in base pay above the maximum shall occur without Council approval.

Sworn/Uniformed: Police and Fire employees subject to Civil Service; members of LOPFI.

POSITION CREATION

With the Mayor's approval, it is the responsibility of the Department Director or Chief to establish the number of positions needed to accomplish the mission of a particular department. In general, the need for creating a new position is considered during the annual budgeting process unless external circumstances apply (i.e., new facility opening, grant award, reorganization).

Prior to seeking the Mayor's approval, the Department Director or Chief will complete a job evaluation with Human Resources to define the position's title, purpose, and duties. In addition, the evaluation will consider the placement of the position against other similarly situated roles within the city to preserve internal equity and proper lines of supervision. The Director of Human Resources will designate the position as hourly or exempt, in compliance with the Fair Labor Standards Act.

POSITION EVALUATION PROCESS

Using an electronic method, the Department Director or Chief will complete a Position Analysis Questionnaire to develop the duties and characteristics of the job under consideration. Each characteristic, or compensable factor, will accumulate into an overall value of the position.

The most critical step in the evaluation process is to remove personal bias and consider only the role of the position itself, and not the individual characteristics or personalities of the employee(s) holding the position. The end result of the job evaluation process is to produce the job description used to evaluate either the candidate or incumbent for the position. The Human Resources Department will maintain a current database of all job descriptions.

During the job evaluation process, every position in the City of Rogers will be weighed equally against the following compensable factors:

1. General experience: the minimum time in past employment needed to become familiar with the job requirements.
2. Management experience: the minimum time in past employment while holding a supervisory role.
3. Education: Preliminary formalized training or self-development expressed in terms of equivalent formal education.
4. Initiative and Ingenuity: Measure of ability to proceed alone, make decisions within authority, and ability to comprehend assignment.
5. Mental Demand: Measure of degree of concentration and sensory alertness.
6. Analytical Ability/Problem Solving: Opportunity to apply analytical ability and self-starting thinking.
7. Responsibility for Work of Others: Supervision and direction required, appraisal of employee performance.
8. Responsibility for Funds, Equipment, Property, Etc: Personal accountability for receipt, storage, issue, or use.
9. Responsibility for Accuracy: Opportunity for and probable effect of errors.
10. Accountabilities: Freedom to act, monetary impact, and impact on end results.
11. Contacts with Public: Responsibilities for effective handling of external stakeholders, neighboring governments, and citizens.
12. Contacts with Employees: Responsibility for effective handling of others in the organization (City).
13. Machine-Computer Operations: complex and/or specialized equipment and software.
14. Working Conditions: indoor/outdoor, weather related, hazardous.
15. Physical Demands: standing/walking/bending, weights lifted, vision requirements.

The degree of each compensable factor is worth an aggregate total of points. At the completion of the job evaluation, the position will be ranked by point value in relation to all other positions with the city. This ranking will provide the grade of the position used to determine the range of compensation.

ESTABLISHMENT OF PAY RANGE

Using the resulting grade, the position will also be compared to the external market to determine a pay range. External market data, provided by a third party, will generally be refreshed at the beginning of a three year period in the absence of extraordinary labor market conditions. Therefore, pay ranges are not considered static and a typical employee should advance through the ranges during their length of service without approaching the maximum pay amount.

Market data will provide the midpoint of equitable compensation for each grade, as shown below. As a general rule, the midpoint of a position (100th percentile) represents an employee with approximately 10 years of service in the position:

<u>[80%-----</u>	<u>100%-----</u>	<u>125%]</u>
<u>Minimum pay</u>	<u>Midpoint pay</u>	<u>Maximum pay</u>

In no instance will an employee of the City be placed at a salary below the minimum of the range for that classification, without the Mayor's approval.

The City may provide an annual cost of living adjustment (COLA) or other adjustment to all employees during the annual budget process. Employees who have exceeded the maximum pay percentile for their current position will become red-lined.

As determined by the appropriate effective date, a red-lined employee will not be eligible for an increase in base pay until the range of maximum pay is adjusted upwards as a result of market conditions. Therefore, a COLA or merit increase will only apply to the red-lined employee on a lump-sum basis unless otherwise authorized by the City Council during the annual budgeting process.

No red-lined employee over the maximum percentile amount will experience a reduction in base pay as it relates to the administration of this policy.

NEW HIRE COMPENSATION

The minimum of a salary range represents a starting pay amount that is competitive to the market for a candidate that meets the minimum qualifications of the position being filled. Starting pay rates for new employees will be determined by the following:

For Civilian Employees:

A Department Director or Chief will have the discretion to establish starting pay from 80-85% of the salary range for the position. For experienced candidates, the Director of Human Resources may approve pay up to the 90th percentile of the range when 1) internal equity is preserved, and 2) funds are available in the current year's budget. For exceptional candidates, starting pay may be approved above the 90th percentile only with the approval of the Mayor.

For Sworn/Uniformed Employees:

The Police and/or Fire Chief will ensure that compensation for all newly hired employees will be established at the 90th percentile of the range*. For exceptional candidates, starting pay may be permitted above the 90th percentile when 1) internal equity is preserved, and 2) the Mayor has approved.

PROMOTIONS

A promotion occurs when an employee moves from one grade to another, where the maximum of the new range is higher than the maximum of the current range as a result of increased responsibility. An increase in pay for promotion will be granted as follows, subject to review for internal equity:

For Civilian Employees:

A pay increase for promotion will be the greater of 1) the 85th percentile of the new range, or 2) a 5% increase in current pay.

For Sworn/Uniformed Employees:

The Police and/or Fire Chief will ensure that compensation for promoted employees will be established at the greater of 1) the 90th percentile of the new range OR 2) a 5% increase in current pay.

* A Firefighter/EMT actively enrolled in paramedic school will move to the 80th percentile of the Firefighter/Paramedic range.

DEMOTIONS

A demotion occurs when an employee moves from one grade to another, where the maximum of the new range is less than the maximum of the current range as a result of decreased responsibility. When an employee moves from one position to another within the same grade, this is considered a lateral transfer and no change in pay is necessary.

For Voluntary Demotions:

When an employee moves into a lower grade on their own volition, they do so knowing that fewer responsibilities are required in the new position and the compensable factors are therefore different. As a result the pay reduction will be set at the same percentile of the new grade as it was for the employee while in the higher grade prior to the voluntary demotion.

For Punitive Demotions:

As the result of a demotion for poor performance or other disciplinary reasons related to behavior, the pay adjustment will be the lesser of 1) a ten percent (10%) reduction of the employee's current pay OR 2) the maximum of the new range.

INTERIM APPOINTMENTS

The Mayor may designate an employee for an interim appointment into a vacant position having a higher grade or classification. When the length of this appointment is longer than 30 calendar days, the appointed employee will receive the greater of 1) a 5% increase, or 2) the 80th percentile of the new range for the length of the appointment. If the interim appointee is permanently selected for the vacant position, an additional 5% increase may apply to the current base rate.

REORGANIZATIONS

When a position is reclassified or downgraded as part of a reorganization, and the new position has a lower maximum salary range than the previous title, the employee's pay at the time of the reorganization will be reduced to the lesser of 1) the maximum of the new range OR 2) the same percentile of the new range as it was for the employee while in the higher grade prior to the reorganization.

PAY PRACTICES SUMMARY

Department Directors and/or Chiefs may use the following summary of practices to assist in the efficient administration of pay policies. Any change in pay may be subject to review in order to maintain internal equity:

<u>NEWLY HIRED EMPLOYEES</u>	<u>Civilian</u>	<u>Up to 85% of the range; up to 90% with HR review for internal equity</u>
-	<u>Sworn/Uniformed</u>	<u>Not less than 90% of the range</u>
<u>PROMOTIONS</u>	<u>Civilian</u>	<u>Greater of 5% increase or 85% of the new range</u>
-	<u>Sworn/Uniformed</u>	<u>Greater of 5% increase or 90% of the new range</u>
<u>DEMOTIONS</u>	<u>Voluntary</u>	<u>Employee's existing percentile applied to the new range</u>
-	<u>Punitive</u>	<u>Lesser of 10% reduction, or the new range maximum</u>
<u>INTERIM PROMOTIONS</u>	<u>Appointed 30 days +</u>	<u>Greater of 5% increase or 80% of the temporarily appointed range.</u>
<u>REORGANIZATIONS</u>	<u>All employees</u>	<u>Lesser of the new range maximum or the employee's existing percentile applied to the new range</u>

MERIT PAY

The City Council may establish funds for Merit Pay during the annual budgeting process, to be used for rewarding high performance employees. The amount of Merit Pay given by the Council for the upcoming budget year will be designated as a percentage of overall payroll. The effective date of any Merit increase will be the first day of the budget year.

The Department Director or Chief will recommend whether an employee should receive any merit increase based on an annual performance evaluation, and determine the amount of the appropriate increase. While the employee's overall performance relative to position responsibilities must be evaluated to determine whether a merit increase is warranted, a performance appraisal alone does not result in an automatic merit increase.

Merit pay is authorized to any employee who:

- 1) is full-time or part-time employee with twelve (12) months of continuous service;
- 2) has completed a performance evaluation in the twelve (12) months prior to the merit pay decision;
- 3) does not display a pattern of behavior, based on written disciplinary records, that in the discretion of the Department Director or Chief demonstrates a reluctance to respond to discipline in the twelve (12) months prior to the merit pay decision;
- 4) is not an elected or appointed employee.

Eligible employees may be awarded merit pay in any amount, to a maximum of two times (2x) the percentage of payroll provided for merit raises by the City Council in the annual budget. A red-lined employee whose current pay is at the maximum of the salary range is eligible for merit pay as described in Section 4.

ORDINANCE NO. 21-_____

AN ORDINANCE WAIVING COMPETITIVE BIDDING FOR THE PURCHASE OF SIXTEEN NEW POLICE PATROL VEHICLES FROM SUPERIOR CHEVROLET OF SILOAM SPRINGS, ARKANSAS, FOR THE ROGERS POLICE DEPARTMENT; ALLOWING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT FOR SAID PURCHASE; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the Rogers Police Department needs to purchase sixteen replacement patrol vehicles for its fleet;

WHEREAS, this purchase is budgeted in the City of Rogers' 2021 Budget; and

WHEREAS, Superior Chevrolet of Siloam Springs, Arkansas, can provide the vehicles with the specifications necessary to law enforcement, and has agreed to give the City of Rogers the pricing set by the State of Arkansas procurement guidelines for state purchases.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:

Section 1: The Mayor and City Clerk are authorized to enter into a contract with Superior Chevrolet of Siloam Springs, Arkansas, in an amount not to exceed seven hundred twenty-four thousand six hundred fifty-nine dollars and eighty-six cents (\$724,659.86) for the purchase of sixteen replacement patrol vehicles for the Rogers Police Department.

Section 2: There exists an exceptional circumstance whereby the requirements of competitive bidding are neither practical nor feasible and the City Council, therefore, waives the requirements of competitive bidding for the purchase of the police patrol vehicles for use by the Rogers Police Department.

Section 3: Emergency Clause: The need to acquire the patrol vehicle for the Rogers Police Department is immediate and in order to protect the public peace, health, safety, and welfare an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of its passage and approval.

Section 4: Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed.

Section 5: Repeal of Conflicting Provisions: All ordinances, resolutions or orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED this _____ day of _____, 2021.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: Hayes Minor, Chief of Police
Prepared by: Bonnie Brigdes, Staff Attorney
For Consideration By: Public Safety Committee

RESOLUTION NO. R21-_____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A GRANT AGREEMENT WITH THE HOME DEPOT TO RECEIVE UP TO ONE THOUSAND DOLLARS (\$1,000.00); AMENDING THE CITY OF ROGERS' 2021 BUDGET TO RECOGNIZE GRANT FUNDS IN THE AMOUNT OF ONE THOUSAND DOLLARS (\$1,000.00) INTO ACCOUNT #100-04-45600 GRANTS AND DONATIONS; APPROPRIATING THE SAME AMOUNT TO ACCOUNT #100-04-70205 SMALL TOOLS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers wishes to enter into a grant agreement with The Home Depot to receive up to one thousand dollars (\$1,000.00); and

WHEREAS, this money will be used to provide hand tools to the Rogers Fire Department's rescue company.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:

Section 1: The Mayor and City Clerk are hereby authorized to enter into a grant agreement with The Home Depot for a grant in the amount of one thousand dollars (\$1,000.00) for the purpose of providing hand tools to the Rogers Fire Department.

Section 2: The City of Rogers' 2021 Budget is hereby amended to recognize grant funds in the amount of one thousand dollars (\$1,000.00) into Account #100-04-45600 Grants and Donations.

Section 3: The City of Rogers' 2021 Budget is further amended to appropriate one thousand dollars (\$1,000.00) into Account #100-04-70205 Small Tools.

Section 4: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed.

Section 5: Repeal of Conflicting Resolutions: All ordinances, resolutions, or orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2021.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk
Requested By: Tom Jenkins, Chief of Fire
Prepared By: Bonnie Bridges, Staff Attorney
For Consideration By: Public Safety Committee

ORDINANCE NO. 21-_____

AN ORDINANCE WAIVING COMPETITIVE BIDDING FOR THE PURCHASE OF A NEW CHEVY TAHOE FROM SUPERIOR CHEVROLET OF SILOAM SPRINGS, ARKANSAS, FOR USE BY THE ROGERS FIRE DEPARTMENT; ALLOWING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT FOR SAID PURCHASE; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the Rogers Fire Department needs to purchase a replacement Chevrolet Tahoe for use by the department;

WHEREAS, this purchase is budgeted in the City of Rogers' 2021 Budget; and

WHEREAS, Superior Chevrolet of Siloam Springs, Arkansas, can provide the vehicle with the specifications necessary to the Rogers Fire Department, and has agreed to give the City of Rogers the pricing set by the State of Arkansas procurement guidelines for state purchases.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:

Section 1: The Mayor and City Clerk are authorized to enter into a contract with Superior Chevrolet of Siloam Springs, Arkansas, in an amount not to exceed thirty-eight thousand four hundred and five dollars (\$38,405.00) for the purchase of a replacement Chevrolet Tahoe for use by the Rogers Fire Department.

Section 2: There exists an exceptional circumstance whereby the requirements of competitive bidding are neither practical nor feasible and the City Council, therefore, waives the requirements of competitive bidding for the purchase of the vehicle for use by the Rogers Fire Department.

Section 3: Emergency Clause: The need to acquire the vehicle for the Rogers Fire Department is immediate and in order to protect the public peace, health, safety, and welfare an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of its passage and approval.

Section 4: Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed.

Section 5: Repeal of Conflicting Provisions: All ordinances, resolutions or orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED this _____ day of _____, 2021.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk
Requested by: Tom Jenkins, Chief of Fire
Prepared by: Bonnie Bridges, Staff Attorney
For Consideration By: Public Safety Committee

RESOLUTION NO. R21-_____

A RESOLUTION AMENDING THE CITY OF ROGERS' 2020 BUDGET TO APPROPRIATE GENERAL FUND RESERVES IN THE AMOUNT OF FIVE HUNDRED NINETY-SIX THOUSAND FIVE HUNDRED EIGHTY-ONE DOLLARS (\$596,581.00) TO VARIOUS ACCOUNTS; AND CMRS FUND RESERVES IN THE AMOUNT OF THREE HUNDRED THIRTY-SIX DOLLARS (\$336.00) TO ACCOUNT 352-52-70267 INVESTMENT MANAGEMENT FEES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers reviewed the final 2020 budget for areas of expenses over budget during the year; and

WHEREAS, various departments within the general fund and CMRS fund identified expenses that were incurred and resulted in the need for additional appropriations;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROGERS THAT:

Section 1: The City of Rogers' **2020 Budget** is amended to appropriate five hundred ninety-six thousand five hundred eighty-one dollars (\$596,581.00) from general fund reserves and appropriate three hundred thirty-six dollars (\$336.00) from CMRS fund reserves into the following accounts:

Fund	Department	Account	Account Title	In the Amount of
General Fund	Administration	100-01-70982	COVID Expenses	\$ 586,332.00
General Fund	Criminal Justice	100-19-70155	Building and Grounds Maintenance	\$ 10,249.00
			General Fund Total	<u>\$ 596,581.00</u>
CMRS Fund	CMRS	352-52-70267	Investment Management Fees	<u>\$ 336.00</u>

Section 2: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed.

Section 3: Repeal of Conflicting Resolutions: All resolutions or orders of the City Council or parts of resolutions or orders of the City Council that are in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2021.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: Casey Wilhelm, Finance Director
Prepared By: Bonnie Bridges, Staff Attorney
For Consideration By: Finance Committee

RESOLUTION NO. R21-_____

A RESOLUTION AMENDING THE CITY OF ROGERS' 2020 BUDGET TO RECOGNIZE INSURANCE PROCEEDS IN THE AMOUNT OF FOUR HUNDRED NINETY-FOUR THOUSAND ONE HUNDRED SIXTY-EIGHT DOLLARS (\$494,168.00) TO ACCOUNT #100-01-49195 INSURANCE REIMBURSEMENT; APPROPRIATING THAT SAME AMOUNT TO ACCOUNT #100-01-70983 STORM DAMAGE HAIL; AND FOR OTHER PURPOSES.

WHEREAS, several City of Rogers' buildings were damaged in the May 4, 2020 hail storm;

WHEREAS, due to hail damage, the City received four hundred ninety-four thousand one hundred sixty-eight dollars (\$494,168.00) in insurance proceeds; and

WHEREAS, the insurance proceeds were received in 2020; however, a small portion of the insurance expenses occurred in December 2020, the remaining appropriation will be carried over into the City of Rogers' 2021 Budget.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:

Section 1: The City of Rogers' 2020 Budget is amended to recognize four hundred ninety-four thousand one hundred sixty-eight dollars (\$494,168.00) in insurance proceeds to Account #100-01-49195 Insurance Reimbursement.

Section 2: The City of Rogers' 2020 Budget is amended to appropriate four hundred ninety-four thousand one hundred sixty-eight dollars (\$494,168.00) into Account #100-01-70983 Storm Damage Hail.

Section 3: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed.

Section 4: Repeal of Conflicting Resolutions: All resolutions or orders of the City Council or parts of resolutions or orders of the City Council that are in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2021.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: David Hook, Facilities Development Manager
Prepared By: Bonnie Bridges, Staff Attorney
For Consideration By: Finance Committee

ORDINANCE NO. 21-_____

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM C-3 TO C-3, ACCEPTING THE DENSITY CONCEPT PLAN, PROVIDING
FOR THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES**

WHEREAS, pursuant to the provisions of Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, on January 19, 2021, the City Council has found that certain lands hereinafter described are better suited for C-3 zoning.

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:

SECTION 1: That Section 14-675 of the code of Ordinances, City of Rogers, should be and the same hereby is amended as hereinafter provided.

SECTION 2: That the land hereinafter described should be and the same is hereby zoned as C-3 and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

A PART OF THE NORTHEAST QUARTER (NE/4) OF THE SOUTHEAST (SE/4) OF SECTION 29, TOWNSHIP 19 NORTH (T19N), RANGE 30 WEST (R30W), BENTON COUNTY, CITY OF ROGERS, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT A FOUND 1/2" REBAR FOR THE NORTHEAST CORNER OF THE SE/4; THENCE ALONG EAST LINE OF SECTION 29 S3°13'47" W, 527.91 FEET TO A SET 5/8" REBAR (PS#1741); THENCE LEAVING EAST LINE OF SAID SECTION 29 N88°33'43"W, 42.95 FEET TO A SET 5/8" REBAR (PS#1741); THENCE S1°26'17"W, 60.00 FEET TO A SET 5/8" REBAR (PS#1741), ON A CURVE TO THE RIGHT; THENCE 184.51 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS 175.00 FEET SUBTENDED BY A CHORD WHICH BEARS S31°58'29"W, 176.08 FEET TO A SET 5/8" REBAR (PS#1741); THENCE S61°50'42"W, 97.12 FEET TO A SET 5/8" REBAR (PS#1741), ON A CURVE TO THE RIGHT; THENCE 25.14 FEET ALONG THE ARC OF SAID CURVE, HAVING, A RADIUS OF 16.00 FEET, SUBTENDED BY A CHORD WHICH BEARS N73°09'18"W, 22.63 FEET; THENCE N28°09'18"W, 348.30 FEET TO A SET 5/8" REBAR (PS#1741), ON A CURVE TO THE LEFT; THENCE 837.33 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1072.15 FEET, SUBTENDED BY A CHORD WHICH BEARS N50°31'43"W, 816.21 FEET TO A SET 5/8" REBAR (PS#1741); THENCE S87°16'39"E, 1069.46 FEET TO THE OF BEGINNING, CONTAINING 9.03 ACRES, MORE OR LESS

LAYMAN'S DESCRIPTION:

±9.03 acres at the NW corner of W. Pleasant Grove Road and S. Champions Drive

SECTION 3: Zoning. That the above described lands are better suited for C-3 than C-3 and zoning and same should be and are hereby zoned C-3.

SECTION 4: Density Concept Plan. That the Density Concept Plan entered into by and between Hausmann Development and the City of Rogers, as approved by the Rogers Planning Commission on January 19, 2021 is hereby approved and made binding upon future development of the property described above, unless otherwise modified or amended by this Council, and the Mayor of the City of Rogers is authorized and directed to execute same.

SECTION 5: Emergency Clause. That because the City is herein zoning property which is subject to a present use and said use should be brought into conformity with the zoning laws of the City of Rogers, Arkansas,

an emergency is declared to exist and in order to protect the public peace, health, safety and welfare, this ordinance shall be in full force and effect from the date of its passage and approval.

SECTION 6: Severability Provision. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

SECTION 7: Repeal of Conflicting Ordinances and Resolutions. All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED THIS _____ **DAY OF** _____, 2021.

ROGERS, ARKANSAS

ATTEST:

APPROVED:

JESSICA RUSH, CLERK

C. GREG HINES, MAYOR

Requested by: Mike Clotfelter

Prepared by: Ethan Hunter

For Consideration By: Community Environment & Welfare Committee